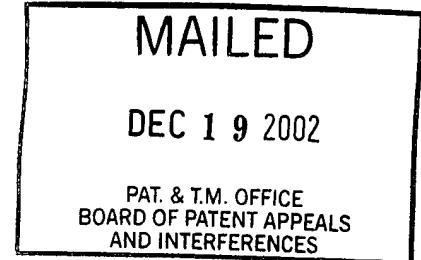


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte TOMOYUKI ASANO



Application No. 08/865,403

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on November 19, 2002. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 10, 2001, appellant filed an amendment (Paper No. 15). On September 27, 2001, the examiner has indicated in an advisory action (Paper No. 16) that the amendment filed September 10, 2001, would be entered. A review of the file reveals that the amendment was not physically entered. Appropriate correction is required.

Application No. 08/865,403

On June 6, 2001, the final rejection (Paper No. 14) indicated that claims 9, 17-25, 37-46 and 53-62 were rejected. The appeal brief (Paper No. 19) filed on February 19, 2002, does not include claim 45 in the appendix of the brief. Therefore, the appendix of the brief is defective.

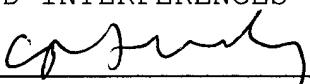
Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) physical entry of the amendment filed September 10, 2001; 2) notification to the appellant that the appeal brief filed on February 19, 2002, is defective; 3) notification to the appellant to include claim 45 in a corrected appendix to the brief; and 4) for such further action as may be appropriate.

Application No. 08/983,383

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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CRF/tdl/mh  
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